

PROACT FACT SHEET



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STORAGE TANK COMPLIANCE

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This fact sheet provides a brief overview of regulations and appropriate guidance documents, references and/or points of contact (POCs)

The Air Force complies with all applicable Federal, state, and local laws and regulations; Executive Orders (E.O.); DoD and Air Force policies; and, outside the Continental United States (OCONUS), with the Overseas Environmental Baseline Guidance Document (OEBGD), appropriate Final Governing Standards (FGS), international agreements, and applicable portions of Air Force Instruction (AFI) 32-7044. In the United States and its territories, use AFI 32-7044 with applicable Federal, state, and local standards for storage tanks. For Department of Defense (DoD) components at installations outside the United States, its territories, and possessions, implement the applicable portions of AFI 32-7044 in accordance with the applicable FGS or, in their absence, the OEBGD. See AFI 32-7006, *Environmental Programs in Foreign Countries*, for additional environmental guidance for overseas installations.

Air Force Instruction 32-7044 "*Storage Tank Compliance*," describes the environmental and engineering requirements for underground and aboveground storage tanks and associated piping that store petroleum and hazardous substances, and provides Major Commands (MAJCOM), Field Operating Agencies (FOA), Direct Reporting Units (DRU), and installations with a framework for complying with these regulatory requirements. This AFI does not address the storage of hazardous waste in tanks. Hazardous waste storage is addressed in AFI 32-7042, *Solid and Hazardous Waste Compliance* and Air Force Pamphlet (AFPAM) 32-7043, *Hazardous Waste Management Guide*. Consult AFI 23-204, *Organizational Fuel Tanks*, for guidelines and procedures on establishing and operating organizational fuel tanks.

States may adopt or enact their own storage tank regulations and these may be more stringent than Federal storage tank regulations. AST management programs are primarily administered by states.

State regulations may require that a tank owner/operator submit a permit application for tank installation, together with an application fee, site plan, and installation information for review and approval by the state agency. Air Force installations must comply with all state or local (a) UST regulations, and (b) AST requirements, where sovereign immunity has been waived. Installations should consult with the installation Staff Judge Advocate to obtain guidance on whether their state or local government can regulate installation ASTs.

The following description of Federal regulations applicable to storage tanks describes only the principal requirements and is not intended to be exhaustive. Air Force personnel are expected to comply fully with the underlying regulatory requirements of Title 40, Code of Federal Regulations (CFR) Parts 112 and 280, and the related state programs.

Underground Storage Tanks (USTs)

The Resource Conservation and Recovery Act (RCRA), Title 42, United States Code (U.S.C.), Section 6901, *et seq.* regulates USTs that contain regulated substances. Regulated substances are defined in 40 CFR Section 280.12 and include hazardous substances regulated under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. 9601 *et seq.*, which are not otherwise regulated as RCRA hazardous waste, and petroleum and petroleum-based substances.

The Clean Water Act (CWA), Spill Prevention and Control and Countermeasures (SPCC) and Facility Response Plan (FRP) requirements, found in 40 CFR Part 112, do not apply to USTs that are regulated under 40 CFR Part 280 and 281, except that USTs need to be included in the facility diagram or if the EPA Regional Administrator otherwise requires the USTs to be included in the SPCC Plan.

USTs that contain used oil, as defined in 40 CFR 279.1, must meet the applicable RCRA used oil management requirements of 40 CFR Part 279.

USTs storing or treating hazardous waste must meet the requirements of 40 CFR Part 264, Subparts J and CC, and Part 265, Subparts J and CC.

The CAA requirements in 40 CFR Part 60, Subpart Kb *Standards of Performance for Volatile Organic Liquid Storage Vessels for Which Construction, Reconstruction, or Modification Commenced after July 23, 1984*, apply to USTs as pertinent.

Aboveground Storage Tanks (ASTs)

There is no single Federal standard applicable to all ASTs as of this date. Guidance on the construction and operation of petroleum ASTs can be found in the Air Force standard design for bulk jet fuel tanks and Military Handbook (MIL-HDBK) 1022, *Petroleum Fuel Facilities*, and on the websites of the National Fire Protection Association, the American Petroleum Institute, and from other sources.

The SPCC and FRP requirements generally apply to ASTs that are bulk storage containers where, due to location, a discharge could reasonably be expected to reach navigable waters (including sewer pathways), unless both: (i) the completely buried storage capacity of a facility is 42,000 gallons or less of oil; and (ii) the aggregate aboveground storage capacity of the facility is 1,320 gallons or less of oil. Note that containers of oil with a capacity of less than 55 gallons are not counted for purposes of this determination, nor are USTs subject to all of the technical requirements of 40 CFR Part

280. The SPCC Plan, 40 CFR 112.3, details the equipment, workforce, procedures and steps to prevent, control, and provide adequate countermeasures to a discharge. For Air Force installations, 40 CFR 112.3 – 112.8 lists the relevant requirements for preparing a SPCC Plan.

A facility shall also determine, in accordance with 40 CFR 112.20, whether, due to location, a spill of oil could cause substantial harm to the environment by discharging oil into or on the navigable waters or adjoining shorelines. If the facility determines that it does not meet the substantial harm criteria, it shall complete and maintain certification that the criteria do not apply. If the facility determines that it does meet the substantial harm criteria, it shall prepare a FRP as provided in 40 CFR Part 112 Appendix F or as required by the EPA Regional Administrator.

ASTs that contain used oil, as defined in 40 CFR 279.1, must meet the applicable RCRA used oil management requirements of 40 CFR Part 279. ASTs storing or treating hazardous waste must meet the requirements of 40 CFR Part 264, Subparts J and CC, and Part 265, Subparts J and CC.

The CAA requirements in 40 CFR Part 60, Subpart Kb *Standards of Performance for Volatile Organic Liquid Vessels for Which Construction, Reconstruction, or Modification Commenced after July 23, 1984* and Part 81 *Designation of Areas for Air Quality Planning Purposes* apply to ASTs as pertinent.

Points of Contact: For more information regarding storage tank compliance, contact HQ USAF, Jayant Shah/ILEVQ DSN 327-0120 for Air Force Tank Policy issues and Pat Mumme/HQ AFCEA/CEIF DSN 523-6361 for Air Force Tanks technical issues.

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